

State of Rhode Island and Providence Plantations
INFORMATION RESOURCES MANAGEMENT BOARD
Meeting Report

Date/Place: November 29, 2001/Department of Administration Building, Providence, Rhode Island

Purpose: To discuss Draft Policy and Procedures for Public Information and to receive progress reports on the Portal project and Board Committees.

Members Present: Barbara Weaver, OLIS (Chair); James Berard, DOC; William Fagan, DLT; Michael Hogan, RI House Policy; Dexter Merry, Public Telecommunications Authority; James R. Monti, Jr., West Warwick School District; Thomas Mullaney, Budget Office, DOA; Joan Ress Reeves, Library Board of RI; Kathleen Spangler, MHRH; Christopher Wessells, URI; Don Wolfe, Member-at-Large

Members Absent: Daniel DaPonte, RI Senate; William Ferland, OHE; Edward Giroux, Secretary of State's Office; Janet Levesque, RILOCAT; Raymond McKay, City of Warwick; Joseph Pangborn, Department of Elementary & Secondary Education; Bruce Reirden, Care New England;

Other Attendees: Howard Boksenbaum, Patricia Chorney, Karen Mellor, Beth Perry, and John Stachelhaus, OLIS; Carrie Gott, New England Interactive (NEI); Connie McGreavy, WRB; Thomas Longest, EDS; Gwenn Stearn, State Archives, Secretary of State's Office

Reporting: Carol Ciotola, OLIS

Chair's Report: Ms. Weaver reported: (1) on the status of the State budget. Acknowledging that the State anticipates a fiscal deficit in FYs 2002 and 2003, she informed the Board that the Governor is very aware of the need to fund information technology and information services. After attending a Senate Finance Hearing, she believes, too, that the Legislature understands the importance of IT funding. (2) on the status of RI-SAIL. From feedback received, she stated that system users feel operations are improving. (3) on the Itec Conference. As a speaker at the Governor's Breakfast, she spoke about the Portal project. Ms. Gott, the General Manager of the Portal project, conducted user-testing during this conference at the Convention Center, and many conference attendees visited the kiosk after learning about it from her speech. She then distributed several news articles that demonstrated good publicity for the Portal and announced that driver records, sought after and paid for by insurance companies, went online without incident.

Progress Report: Portal Project—Ms. Gott distributed and reviewed the *General Manager's Report*. She then invited the Board to view the Portal prototype [<http://ri.neinetwork.com>] before its launch on Monday, December 3.

Draft Policy and Procedures for Public Information—Ms. Weaver told of a recent experience with the Federal Depository Library System operated through the Superintendent of Documents. The Superintendent had notified all libraries that they should remove and destroy a CD that had been distributed. When asked under what authority he made this decision and what the process was, he provided a written response. (Copies were distributed at the meeting.) Considering Rhode Island's concerns, she questioned whether a policy should be established, since there has been pressure asserted on various state agencies to remove information from State Websites. The Superintendent's response was also sent to the Governor's Office, and it was recommended that she check with Department Directors prior to presenting this issue to the Board. Ms. Weaver sent the Superintendent's response to the three Department Directors officially on the Board (DLT, DOC and MHRH), as well as to DEM's Director, asking for feedback.

Mr. Wall, DOC, responded in writing. Ms. Weaver presented his comments. Basically, he was concerned with the all-encompassing nature of the policy. DOC's Website provides pertinent information, but not all public information. DOC does not have the resources to place all public

information on the Website. He was also concerned with the documentation requirement in the last paragraph of page one, which provided that:

“...the determination to not publish a particular piece of information on a State Website is a restriction of the public’s access to that information, and must be documented to the Chief Information Officer.”

He suggested removing this language from the policy, thereby only requiring documentation when information is removed from the Website. Ms. Weaver clarified that she was primarily concerned with who makes the final decision to remove information from the Website.

- Ms. Spangler stated that determining what is and what is not public information is within the Attorney General’s purview. She pointed out that statutorily, the State is obligated to make public information available for inspection or copy, but it is not obligated to post to a Website. She also spoke about legislation passed during the last General Assembly Session requiring each State Department to refile every rule and regulation it currently has on file with the Secretary of State’s Office. Although each department is required to make available and post all rules and regulations to the Website, the only “official copy” is that which is on file on paper in the Secretary of State’s Office, and those files will be made available for public inspection through that Office. While all public information should be made available to the public, there is information that is of interest only to specific limited groups of people or individuals. Whether these data should be placed on a Website is questionable.
- Ms. Weaver suggested changing any language in the draft Policy that indicates that all public information must be on the Website. What she was proposing was that there be some kind of statewide policy if public information is already posted on a State Website. Then, an agency would have to follow a specific procedure if information were slated for removal. If it is public information, whoever made the decision to post it to the Website must now state the justification for removing it. A determination as to who else would be involved in the process should also be made. She cited an instance where the question was raised as to who has the right to decide whether something can be taken off of the RIGIS Website. She recommended a process similar to that of the Federal Government, whereby a form to request removal of data from a Website would be forwarded to the Chief Information Officer.
- Ms. Spangler pointed out that there is miniscule information posted to Websites then removed to insure that they remain current and would not want to see the Chief Information Officer get buried in those kinds of issues. The policy question is: If public access has been unlimited for this information, then what is the justification for now limiting it? There must be a balance in the language.
- Ms. Reeves asked if criteria were in place to guide the Chief Information Officer in allowing or disallowing removal of information. She felt that the Board should insure that some information is not allowed to be removed, for example, removing data that could then be sold.
- Mr. Fagan felt that an agency publishing a public document on a regular basis then deciding not to publish it anymore should be allowed to make that type of decision. He does not view information on the Web as a different media and asked why the Chief Information Officer would want to get involved in this type of issue. Ms. Weaver felt that there should be criteria in place to address controversial issues that might arise concerning removal of information from State Websites.
- Mr. Wolfe did not feel the Board should act differently in this situation, since it does not fundamentally change the communication. Information by law is public and must still be provided unless there is an overt step taken to render them private. Ms. Weaver explained that her office was asked to remove data that locates pipelines and water sources from a State Website. Mr. Fagan did not view this matter as a technology issue. Ms. Weaver agreed, terming it an information accessibility issue.

- Mr. Monti also felt that this issue should remain within the purview of the Attorney General's Office, since it has a mechanism in place to address it.

Mr. Fagan moved to recommend that:

The IRMB not establish a policy regarding the content and nature of Rhode Island Websites as a publishing venue for government information. This is not a policy that the Board should establish.

Mr. Wolfe seconded the motion. Discussion followed.

- Ms. McGreavy noted that it was the WRB that questioned the RIGIS Website's custodial authority because of the request they received from USGS to remove water source data from this Website. The WRB staff has met twice with staff in the Attorney General's Office, but this issue has yet to be clarified.
- Mr. Monti did not view this issue as one that the Board needs to address.
- Mr. Berard stated that DOC routinely files confidential policies with the Secretary of State. Sometimes the status of a plan changes, due to an update, that could result in having the plan now include confidential information. That plan would then have to be removed from the Website, and DOC must have the authority to do so.

The motion was unanimously approved.

IRMB Committee Reports—

Legislation—Mr. Wolfe (Chair) reported that: (1) Legislation for 2001 relating to the Board was discussed; Article 6 (Copies were distributed at the meeting.) was not included in the Budget. (2) Members agreed to submit a proposal to the Governor as soon as possible regarding Information Technology funding. Mr. Boksenbaum drafted a proposal; copies were distributed for reaction from the Board.

- Mr. Hogan noted that the Board did not identify a dollar amount. Mr. Wolfe replied that the Committee felt it more important to focus on stopping IT funds from being cut.
- Mr. Mullaney pointed out that fund reductions are anticipated in FY 2003. Since the Governor has been supportive in this past for IT funding, he asked if it was necessary to put it forth again. Mr. Wolfe felt it important to say something, since it is a major concern and still a problem. Mr. Mullaney viewed the draft proposal as a way to explain the reason for this action by the Board and not as correspondence to the Governor. Ms. Weaver agreed, explaining that if the Board agrees, some kind of draft legislation would be presented to him. Mr. Dennehy, legal counsel for DOA, requested a draft by the beginning of next week.

Ms. Reeves moved to:

Forward a proposal for the FY 2003 Budget to the Governor regarding Information Technology funding, urging that expenditures be continued for information technology and information access.

Mr. Merry seconded the motion. The motion was unanimously approved.

Mr. Wolfe continued with his report: (3) NASCIO made a video presentation on the value of state IT security, and the Committee felt it should be presented to the Legislature. (4) The Committee also agreed that the Portal needs to be recognized by the Legislature and will provide an update to them via a media event. Mr. Boksenbaum will check with Mr. Giroux about participating in the briefing and to

learn if the Secretary of State wants presence in the Portal. He will also speak to Representative Kilmartin about coordinating the Portal demonstration with Legislators. Mr. Wolfe presented an open invitation to anyone who would like to become a member of this Committee and strongly urged the current members to attend these meetings.

Strategic Planning—Mr. Fagan (Chair) distributed and reviewed his Committee report. He felt that since the Strategic Plan must encompass what is listed within the Legislative Committee's agenda, he suggested scheduling a joint meeting. Mr. Wolfe agreed.

Portal Review—Ms. Weaver (Chair) noted that an informal meeting was held at the Providence Place Mall, at which time Committee members participated in user testing. The next meeting is scheduled for December 11; function priorities will be discussed.

Working Group—Mr. Boksenbaum (Chair) reported that this Group met on November 27, at which time it received a presentation from Ms. Stearn. At Mr. Boksenbaum's request, she briefed the Board on her presentation. She had spoken about the obligations under the law to retain records and the fact that retention requirements apply to paper and e-copy.

- Mr. Fagan said that IT directors are still unclear as to their involvement with this issue, while stressing that agencies do understand the importance of this work. Ms. Stearn reiterated that this is a requirement under the law—every agency of state government must manage its records. She understands and is sympathetic to staff workloads but also noted the importance of maintaining a records schedule.
- Mr. Fagan felt that e-mail should not be treated differently from other files. Mr. Boksenbaum explained that paper files must be managed in order to know how much storage space is needed. With e-mail, records must be managed to know how much disk space is needed. Mr. Boksenbaum asked if the Board is about technology or information. Mr. Fagan responded that it is about information, and technology is the tool to manage that information.

Security—Mr. Berard (Chair) met with Barbara earlier in the day regarding this Committee's charge. A draft was developed and submitted to Ms. Weaver for comment. Based on her comments, he will revise the draft and forward it to Board members via e-mail. He also extended an open invitation to anyone who would like to participate on this Committee.

Next Meeting—Ms. Weaver suggested January 17 as the next meeting date. Members agreed to this date by unanimous consent.

Closing Remarks: Ms. Weaver announced that she will retire from State Service at the end of December 2001. She said it had been great working with the Board and spoke about the realization of the Portal and its fast track in terms of getting the state onto e-government, in spite of the lack of financial resources. She thanked the Board for its companionship, devotion and hard work.

Ms. Reeves moved the following Resolution of Appreciation:

The Board extends its appreciation to Barbara Weaver not only for her work on the Information Resources Management Board, but for all of the work she has done for the State of Rhode Island during the last ten years.

Mr. Wolfe seconded the motion, and the Resolution was unanimously passed.